



University of  
St Andrews

## Gift acceptance policy

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| <b>Purpose</b>                               | This policy sets out the principles that the University will follow when seeking and accepting charitable gifts from individuals, charitable trusts and other corporate bodies, and the commitments that it makes to donors and prospective donors. |

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| 2022.01               | To bring in line with updated money laundering guidance and regulations | Approved               | Head of Development Services<br><br>Deputy Director of Finance | 09/05/2022  |

## 1. Scope

This policy sets out:

- the principles that the University will follow when seeking and accepting gifts from individuals, charitable trusts and other corporate bodies, and
- the commitments that it makes to donors and prospective donors.

## 2. Context

### 2.1 Regulatory Context and Reputational Factors

The University of St Andrews is a charity registered in Scotland (SC013532). Accordingly, it is subject to charity law in Scotland and to regulation by the Office of the Scottish Charity Regulator (OSCR). The members of the University Court, the governing body of the University, are the charity trustees and thus are ultimately responsible for operations of the charity.

The UK Bribery Act 2010 requires the University to ensure, through due diligence and risk controls, that the receipt of a gift is not in relation to some inappropriate advantage that might be afforded the donor, such as the award of a contract or offer of a University place for a close relative. Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLR 2017) provides a guide to the University to undertake appropriate Customer Due Diligence and ensure the University complies in full with its obligations not to engage or otherwise be implicated in money laundering or terrorist financing. A further piece of legislation called the Criminal Finances Act 2017 (CFA 2017) creates a new Corporate Criminal Offence of failing to prevent the facilitation of tax evasion. The University will take steps to mitigate these risks by continuing to ensure it receives appropriate documentation for all philanthropic and sponsorship contributions received in accordance with this Gift Acceptance Policy and our [Anti-Money Laundering](#) policy. In turn the Development Office will only provide receipts to donors based on the specific contribution made with full transparency in all paperwork about the nature of the transaction and any conditions or benefits relating to the payment.

It is important both for donors and for the University that the reputations of all parties be wholly protected from any real or perceived impropriety in the relationship that is established through the offer and receipt of a gift.

In particular, it is imperative that the integrity of the University's teaching and research activities be free from compromise or undue influence, including the perception thereof. The freedom to pursue academic inquiry wherever it may lead is integral to the University's long-established values. This must be part of the shared vision of the University and its supporters. The support provided by donors has frequently been valuable to facilitate such academic activities, but in so doing it is important to maintain an appropriate separation between the receipt of a gift on behalf of the University and the provision of academic services. The Development Office plays a significant and effective role in ensuring that an appropriate degree of separation exists, while still providing donors with access to regular information about the activities that they have supported.

### 2.2 CASE

The University recognises the guidance for fundraising published by CASE (Council for the Advancement and Support of Education) and the Institute of Fundraising.

### 3. General Principles and Procedures for Gift Acceptance

The following principles and procedures apply to all kinds and sizes of gifts.

- 3.1 The Development Office of the University will co-ordinate the University's efforts to seek philanthropic support, including that from alumni, parents, friends, trusts, foundations and corporates in the UK and abroad. It will also be the Office that will routinely receive gifts on behalf of the University, record them and arrange for their appropriate allocation.
- 3.2 Donations should not be directly received by academic Schools or by Units, unless previously agreed with the Development Office. It is particularly important for the University to prevent any directness of influence (real or perceived) upon academic pursuits, processes or standards, including (in the case of gifts from family members) upon individual student outcomes.
- 3.3 In line with MLR 2017, the Development Office will take all appropriate measures to ensure it is aware of the source of funding for gifts and will undertake due diligence to ensure that gifts are for purposes consistent with the University's mission and that no legal or reputational issues are raised by their acceptance, including offences under the Criminal Finances Act. One such factor is the timing of a gift, if it may be construed as influencing or having influenced (for example) an academic outcome or a procurement process.
- 3.4 Members of the University staff must disclose immediately to the Director of Development any actual or apparent conflict of interest that a gift may pose, in line with the University [Declaration of Interests](#) policy. This will include any concerns relating to a potential breach of the Criminal Finances Act in relation to the provision of philanthropic gift receipts.
- 3.5 The University recognises that perceptions of what is acceptable and factors affecting reputations may change over time. In its acceptance of gifts, the University will act in good faith according to the standards prevailing at the time of receipt.
- 3.6 The Development Office will maintain appropriate records to enable tax to be reclaimed under the UK Gift Aid scheme. This will be an auditable record for every gift and donor (individual, trust or corporate), held in an electronic database and will demonstrate the nature of the contribution and any benefits provided such as fund designation and naming rights. Regular audits will be carried out, and information may be required by bodies such as HM Revenue & Customs in respect of gift aid claims. While the responsibility lies with the donor to update the Development Office about their tax status under the Gift Aid scheme, appropriate steps will be taken should it become known that a prospective donor has paid insufficient UK tax to cover all of the charitable donations they have made/are making in a year.
- 3.7 A donor's right to remain anonymous in terms of external donor recognition will be respected, but full details will be recorded in the Raiser's Edge database in line with MLR 2017 obligations. If a gift is offered anonymously, so that the donor is unknown to anyone in the University, the Development Office will be charged with seeking such information from the donor's representatives so as to ensure that it would be appropriate for the University to accept the funds and satisfy MLR 2017 requirements. This will involve consideration of the principles outlined in sections 2.1, 3.2 and 3.3 of this document and

any other possible influence that might be exercised by or any potential benefit that might be derived by a donor who seeks to remain anonymous. Where gifts arrive with no paperwork and it is impossible to return the gifts, the funds will normally be retained and credited to a student scholarship or bursary fund.

- 3.8 Where conditions are attached to the offer of a gift, other than designating use for a specific University project for which fundraising is taking place, the Development Office will discuss with the donor any issues of concern in relation to those conditions so that an agreement can be reached by all parties prior to the University's acceptance of the gift. The University will not normally accept a gift prior to ensuring that any imposed conditions are appropriate, documented and can be satisfactorily met by the University. For the avoidance of doubt the Development Office will not accept a contribution or provide a receipt where a donor requests documentation which does not reflect the proper and full nature of the transaction (*see section 9.2 Sponsorship funds*).
- 3.9 The Development Office will reconcile funds received and the database record on a monthly basis. Donated funds will then be transferred to the relevant University account. Notwithstanding the management of endowment funds, donated funds are not transferred outside the University.
- 3.10 Donors may expect to receive appropriate acknowledgement of their gifts and to be assured that their gifts will be used for the purposes for which they are given. Unrestricted gifts will be allocated to projects or other University uses at the discretion of the University, normally on the recommendation of the Director of Development. To this effect, the Development Office will ensure that donors of unrestricted gifts are informed of the allocation of their gift through an initial letter and, thereafter, by on-going communications from the Development Office, as appropriate.
- 3.11 The University will not raise funds on behalf of another charity or allow use of its alumni and donor databases for such purposes. This is necessary to ensure the University's charitable status is maintained by OSCR.

#### **4 Gifts up to £5,000**

- 4.1 Gifts up to £5,000 will normally be accepted by the Development Office without further investigation if (i) they are given without conditions in support of an existing fundraising project or programme and (ii) are received from donors already known or on the donor database. In other cases, the Director of Development or his/her delegate will judge whether to accept the gift, conduct a more extensive process of due diligence, or liaise with the donor regarding any concerns.

#### **5 Gifts over £5,000**

- 5.1 All such gifts will be notified to the office of the Director of Development on their offer or receipt, which will initiate an appropriate process of due diligence and assign a named contact within the Development Team.
- 5.2 To manage the balance between the need to know and the right to privacy, in its due diligence investigation the Development Office will typically focus on reviewing and noting only information that is relevant to the funds or donor and that is in the public domain (which is often considerable) in line with the requirements set out in 2.1 above.

- 5.3 If the donor is a corporate or charitable body that is legally permitted to operate in the UK, then the source of funding will not normally be contested. The Development Office relies on the UK charity regulators and Companies House for information and would not normally seek (or be in a position) to conduct an independent investigation of funding sources. The position is similar in the United States, where charities are also highly regulated. Where the corporate or charitable body is situated outside of the UK or US, appropriate MLR 2017 due diligence will be undertaken.
- 5.4 Gifts from states or governments outwith the UK will usually be offered with conditions that require legal and reputational factors to be taken into account prior to acceptance. If normal diplomatic relations do not exist between the UK and the state in question, then the offer of a gift would not normally be accepted. Exceptionally, the offer may be referred to an advisory group of senior University staff (the majority of which are outwith the Office of the Principal) for consideration and a recommendation to the Director of Development.
- 5.5 Donors offering pledges valued at over £5,000 will be asked to complete a gift agreement that outlines the details of the gift, the project to be supported (if designated), a pledge payment schedule and naming rights (if applicable) and any other due diligence information required in order to satisfy MLR 2017 requirements. The agreement will be signed by the donor and by the Director of Development (on behalf of the University) or the President of the University of St Andrews American Foundation Inc. Oral pledges are not officially logged until confirmed in writing.
- 5.6 In any cases of concern, and for gifts in excess of £50,000, the Director of Development will normally seek additional guidance from an advisory group of senior university staff (the majority of whom are outwith the Office of the Principal) after completing the process of due diligence. This referral is required for gifts of £250,000 or more. At any time, The Director of Development may also seek any other advice that will enable a decision to be reached regarding the acceptance of a gift and its conditions. This will include liaison with the Office of Corporate Communications.

## **6 Return of Gifts**

- 6.1 Gifts made to the University will not normally be returned to the donor.
- 6.2 In cases where a gift with agreed restrictions has been received by the University in good faith but where circumstances have changed so that the original purposes of the gift cannot be fulfilled in whole or in part, then the University will normally seek to use the funds in a way that closely corresponds to the original objectives of the donor, consulting the donor or the donor's representative wherever possible.
- 6.3 Gifts that are paid in error by the donor's bank, and bank overpayments, will be refunded to the donor via the original payment source it was received through in line with the University Anti-Money Laundering Policy.

## **7 Administration of Gifts of Non-Monetary Assets**

- 7.1 Legacies/bequests - The University can accept legacies and bequests made by individuals in their wills, where either all or part of their estate is set aside for the University of St Andrews. The University will work closely with donors to establish the terms on which any such gifts, and any income deriving from such gifts during the donor's lifetime (if applicable), are held.
- 7.2 Shares, Real Estate, Articles of Value – The University can accept transfers of shares, an outright gift of an unencumbered property, and gifts of jewellery, artwork, books, antiques or collections. Any legal expenses, valuation costs or transport charges pertaining to the transfer of such items to the University will normally be the responsibility of the donor or executor. Unless otherwise agreed with the donor, the University reserves the right to dispose of shares or property at a time to be decided by the University. Unless otherwise agreed with the donor, articles of value or collections are accepted on the understanding that the University would have full authority to use, lend, exhibit, donate or sell the property.
- 7.3 The University wishes to ensure that gifts which it receives can be used in a manner that is both appropriate within the context of the University and reflects the objectives of the donor. Certain types of gifts may only be accepted following advice and approval from specialists in Schools or Units. This will be co-ordinated by the Development Office. For example, acceptance of donations of books or artefacts (often through bequests) will be subject among other things to available space, appropriate storage conditions, resources for cataloguing and displaying of items and relevance of the subject matter. Donations of equipment to the University will be subject to similar constraints and considerations such as agreement as to the transportation of items.

## **8 Gifts offered to Schools and Units**

- 8.1 In many cases individual Schools and Units have strong relationships with donors, and it is important to encourage the contact between donors and the staff who are leading projects in which donors have an interest. Yet, for the reasons outlined above in sections 2.1, 3.2 and 3.3, it is also important that the actual administration of gifts and the process of due diligence are conducted within the University by the Development Office. The Development Office will work with Schools and Units to co-ordinate fundraising, facilitate contacts, conduct due diligence and ensure that all gifts are received and recorded in a consistent and appropriate manner.
- 8.2 Heads of Schools and Units should ensure that the Development Office is consulted prior to soliciting gifts or receiving gifts. All philanthropic gifts offered to or (exceptionally) received by a School / Unit must immediately be reported to the University's Development Office.

## **9 Research Grants and Corporate Sponsorships**

- 9.1 For the avoidance of doubt, philanthropic gifts are distinguished from research grants, the latter being administered by the Research Grants Office. However, with the approval of the Quaestor, and for the purpose of complete and consistent reporting, income received through the Research Grants Office from trusts, foundations, companies and other organisations, which may be categorised as philanthropic (in accordance with generally accepted definitions), may be recorded on the Development database.
- 9.2 Philanthropic gifts are also normally kept distinct in terms of reporting from corporate sponsorship (for example, with respect to CASE returns). However, it should be noted that income derived from corporate sponsorship in support of fundraising campaigns will be included in the total amounts raised. All sponsorship proposals must be discussed in full with the Director of Development prior to final agreement. No philanthropic gift receipts will be provided for sponsorship where a benefit or service was provided and all documentation for these types of contributions will be clearly worded to outline the full nature of the transaction and all associated benefits and services.

## **10 Gifts to University Staff**

- 10.1 From time to time supporters of the University offer small gifts to University employees as tokens of appreciation. The terms for acceptance of any such gifts by University employees are governed by the University policy on the Receipt of Gifts, Hospitality and Other Benefits. Up-to-date guidelines can be found at: [www.st-andrews.ac.uk/staff/policy/hr/gifts](http://www.st-andrews.ac.uk/staff/policy/hr/gifts)
- 10.2 All such gifts made to Development Office staff should be registered with the Director of Development immediately and if possible discussed in advance in line with the [Declaration of Interests](#) policy. The Director of Development will ensure a record of such gifts is kept in the Development Office Gift Register.

## **11 Donors' Benefits**

- 11.1 In addition to expressing its appreciation and keeping donors informed about projects that they support, the University may also offer donors invitations to events or small gifts of appreciation. In certain cases 'naming rights' appropriate to the level of the gift are also offered. All benefits afforded to donors under the gift aid scheme, however, must comply with existing HM Revenue & Customs rules and relevant legislation. Further advice may be obtained from the Development Office.

## **12 Rights of Donors and Prospective Donors**

- 12.1 The University of St Andrews is committed to its donors and remains dedicated to treating alumni, friends and all supporters with the highest level of care and respect. The following donor charter has been produced to assure donors and prospective

donors of the integrity and accountability of the Development Team and of their commitment to the highest professional standards at all times.

## 12.2 Donors and prospective donors may expect:

- To be treated by members of the Development Office, volunteers and other University staff involved with the solicitation and receipt of gifts in a fair, transparent, accurate and honest manner in accordance with all applicable laws and the professional code of fundraising ethics and good practice.
- To be informed in all fundraising solicitations of the University's name, contact details and charitable status.
- To be informed whether those seeking gifts are volunteers, employees of the University or financial / legal advisors.
- To receive fundraising solicitations and stewardship reports from the University that are truthful, accurately describing the University's activities and the intended / actual uses of donated funds.
- To receive prompt responses to questions relating to gifts or any other aspect of the Development Office's work.
- To receive appropriate and timely acknowledgment, recognition, and publicity for their gifts unless donors indicate a preference for privacy.
- To remain anonymous in terms of external donor recognition, if requested (in line with section 3.7 above).
- To be assured that donors' rights to privacy and confidentiality will be respected, with all donor records being kept securely and in full compliance with the Data Protection Act 2018, the UK GDPR regulations and the Privacy and Electronic Communications Regulations. Donors will have the right to see their own donor record and to challenge its accuracy.
- To be asked in writing for permission to be cited in case studies and other promotional material (including photographs) prior to publication.
- To be consulted, where possible, about alternative uses of a donation if their gift cannot be used for its originally intended purpose.
- To be kept informed of the impact of their philanthropy and the University's evolving needs and priorities. This includes receiving progress reports on supported activities and invitations to attend relevant events to see first-hand

the benefits their support brings the University.

- To have their details removed from the University's alumni and fundraising databases or to have the number / type of solicitations limited upon request.
- To be assured that the University will not sell or give its donor list to a third party.
- To have access to the University's most recent published financial accounts and be assured that the University's financial affairs are conducted in a responsible manner, consistent with the obligations of stewardship and legal requirements of the Office of the Scottish Charity Regulator.

### 13 Complaints Procedure

13.1 The University of St Andrews will seek the opportunity to set right anything a donor feels has been done wrongly and will do its utmost to discuss and resolve such issues. In the first instance any complaints should be raised with the Director of Development for investigation. If a donor remains dissatisfied with the initial response, then the complaint will be addressed in accordance with the University's relevant complaints procedure.

| Version number | Purpose / changes  | Document status | Author of changes, role and school / unit | Date       |
|----------------|--|-----------------|---|------------|
| 1.1            | Review of policy to include references to the Criminal Finances Act 2017 (CFA) which creates a Corporate Criminal Offence (CCO) of the facilitation of tax evasion by a third party. | Draft           | Head of Development Operations            | 26/11/2018 |
| 2.0            | Approved   | Approved        | Chief Legal Officer                       | 04/12/2018 |
| 2022.01        | To bring in line with updated money laundering guidance and regulations  | Approved        | Head of Development Operations            | 09/05/2022 |